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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,900	03/21/2006	Alfred Boucek	2003P14866WOUS	2994
22116 7590 12/10/2007 SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			EXAMINER TABOR, AMARE F	
			ART UNIT 2139	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,900

Applicant(s)

BOUCEK ET AL.

Examiner

Amare Tabor

Art Unit

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/21/2006 and 06/05/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. In the amendment filed on 03/21/2006, Applicant cancelled Claims 1-11.
2. New claims 12-26 are added.
3. Claims 1-26 are examined.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/579,200, filed on 03/21/2006.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12, 19 and 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12, 19 and 25 include the limitation "*PPPoE transmission method and in accordance with RFC 2516.*" As disclosed in the background of the invention, PPPoE (Point to Point Protocol over the Ethernet) is a network protocol defined in RFC 2516 specification that allows computers to connect to a network, or Internet, via a shared modem. The computers connect to the modem via a LAN such as Ethernet and the modem connects to an ISP via a serial connection such as PPP over ADSL. Furthermore, Ethernet is a standard (standardized as IEEE 802.3) that defines a number of wiring and signaling standards for the OSI physical layer.

It is not clear from the claim language if the claimed invention is claiming protocols, standards and specifications. Therefore, the independent claims and their respective dependent claims of the invention are rejected as being indefinite and/or unclear.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over "*Yoshimoto*" (US 6,237,023 B1) in view of Senapati et al. (US, 2003/0041151 A1 referred as "*Senapati*" hereinafter).

As per Claim 12, Yoshimoto teaches,

A method for performing data transmission via a subscriber's connection located in a communication network (see *abstract*; and for example, column 1, lines 8-11) which is in accordance with Ethernet (see *Fig. 1*; and for example, column 3, line 39 to column 4, line 11; *the computer network includes Ethernet*) transmission method, comprising (see column 2, lines 23-58):

having a connection data that represents the subscriber's connection (see steps S201 & S301 in *Fig. 2-3*; *where terminal identifier is acquired*)

transmitting the messages to the communication network via the subscriber's connection (see *Fig. 1-5*; and *abstract*; *service request is transmitted to the server from client computers*);

and authenticating the data to be transmitted by using the connection data which is contained in messages (see steps S203-204, S303-304, S402-403 and S502-503 in *Fig. 2-5*; *where the service request is authenticated*).

Yoshimoto fails to teach, transmitting the connection data and data to be transmitted via the subscriber's connection in accordance with PPPoE transmission method and in accordance with RFC 2516; and inserting the connection data as "Relay Session ID TAG" into PPPoE Active Discovery messages. However, in the same field of endeavor, Senapati teaches transmitting in accordance with PPPoE transmission method and in accordance with RFC 2516 (see *Fig. 1-2*; *abstract*; and for example, paragraph [0001], [0024] to [0026]) by inserting the data as "Relay Session ID TAG" into PPPoE Active Discovery messages (see *Modem 104* in *Fig. 1-2*; and for example, paragraphs [0047] and [0063] to [0071]).

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to combine the teachings of Senapati and Yoshimoto because the both inventions method of authenticating data transmission using password and identifier information. One having ordinary skill in the art would be motivated to incorporate the PPPoE feature of Senapati in to the data transmission authentication method of Yoshimoto in order to improve the data transmission process of DSL service (see Background of Senapati).

As per Claims 19, 21 and 22, Yoshimoto teaches,

A communication system (see column 1, line 59 to column 2, line 22) for performing data transmission via a subscriber's connection located in a communication network which is in accordance with Ethernet transmission method (see *Fig 1; and abstract*), comprising:

a connection data that represents a subscriber's connecting line that is connected to the subscriber's connection (see *Fig. 6-7; where connection data is disclosed*);

a transmitter that transmits the connection data to the communication network via the subscriber's connection (see *server 102 and clients 103, 105 & 106 in Fig. 1*);

and an authenticator (see *AUTHENTICATION SERVER 104 in Fig. 1*) located in the communication network that verifies authenticity of data to be transmitted via the subscriber's connecting line by using the connection data (see *network cable 101 in Fig. 1; where clients 103, 105 & 106 are connected to the verifying server 104 and server 102*).

Yoshimoto fails to teach, transmitting the connection data and data to be transmitted via the subscriber's connection in accordance with PPPoE transmission method and in accordance with RFC 2516 (see *Fig. 1-2; abstract; and for example, paragraph [0001] and [0027] to [0029]*); and inserting the connection data as "Relay Session ID TAG" into PPPoE Active Discovery messages. However, Senapati teaches transmitting in accordance with PPPoE transmission method and in accordance with RFC 2516 by inserting the data as "Relay Session ID TAG" into PPPoE Active Discovery messages (see *Modem 104 in Fig. 1-2; and for example, paragraphs [0047] and [0063] to [0071]*).

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to incorporate the PPPoE feature of Senapati in to the data transmission method of Yoshimoto in order to improve the integrity of data by authenticating subscribers using user identifier information of the client computer.

As per Claim 25, Yoshimoto teaches,

A communication device (see column 1, line 59 to column 2, line 22) for a communication system for performing data transmission via a subscriber's connection located in a communication network which is in accordance with Ethernet transmission method(see *Fig 1; and abstract*), comprising:

a connection data that represents a subscriber's connecting line that is connected to the subscriber's connection (see *Fig. 6-7; where connection data is disclosed*);

a transmitter that is allocated to the communication device and transmits the connection data to the communication network via the subscriber's connection (see *server 102 and clients 103, 105 & 106 in Fig. 1*);

and an authenticator (see *AUTHENTICATION SERVER 104 in Fig. 1*) located in the communication network that verifies authenticity of data to be transmitted via the subscriber's connecting line by using the connection data (see *line 101 in Fig. 1; where clients 103, 105 & 106 are connected to the verifying server 104*).

Yoshimoto fails to teach, transmitting the connection data and data to be transmitted via the subscriber's connection in accordance with PPPoE transmission method and in accordance with RFC 2516 (see *Fig. 1-2; abstract*; and for example, paragraph [0001] and [0027] to [0029]); and inserting the connection data as "Relay Session ID TAG" into PPPoE Active Discovery messages. However, Senapati teaches transmitting in accordance with PPPoE transmission method and in accordance with RFC 2516 by inserting the data as "Relay Session ID TAG" into PPPoE Active Discovery messages (see *Modem 104 in Fig. 1-2; and for example, paragraphs {0047} and [0063] to [0071]*).

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to incorporate the PPPoE feature of Senapati in to the data transmission method of Yoshimoto in order to improve the integrity of data by authenticating subscribers using user identifier information.

As per Claim 13 and 23, Yoshimoto teaches,

wherein the connection data is a port identification or PORT-ID and represents a subscriber connecting line that is connected to the subscriber's connection (see *Fig. 3; where connection is established at transport level; i.e., terminal identifier is acquired from the connection request*).

As per Claim 14 and 15, Yoshimoto teaches,

wherein the connection data is stored in the communication network (see *Fig. 6-7; and for example, column 8, line 53 to column 9, line 34*);

and wherein the data to be transmitted is transmitted within a framework of a communication link via the subscriber's connection (see *Fig. 3 & 5; where the server processes connection request*) and the connection data is transmitted to the communication network on an establishment of the communication link (see *Fig. 2 & 4; where the server processes service request by acquiring terminal identifier*).

As per Claim 16, Yoshimoto teaches,

wherein the subscriber's connection is allocated to a switching device located in the communication network (see *Fig. 4-5; and for example, column 7, line 10 to column 8, line 21; where a relay server; i.e., switching device, process requests by intercepting*);

wherein the extracted connection data (see *Identifier Acquisition Module in Fig. 6-7*) is transmitted from the access network element to an authentication network element located in the communication network (see *Fig. 1*);

and wherein the data to be transmitted is verified by the authentication network element by using the connection data (see *AUTHENTICATION SERVER 104 in Fig. 1*).

Yoshitomo fails to teach wherein the connection data is inserted as "Relay Session ID TAG" into the PPPoE Active Discovery messages; wherein the PPPoE Active Discovery messages which contains the connection data is transmitted to an access network element located in the communication network; and wherein the specific TAG value of the Relay Session ID TAG which represents the connection data contained in the messages is extracted in the access network element. However, Senapati teaches connection data is inserted as "Relay Session ID TAG" into the PPPoE Active Discovery messages through the switching device; wherein the specific TAG value of the Relay Session ID TAG which represents the connection data contained in the messages is extracted in the access network element (see *Modem 104 in Fig. 1-2; and for example, paragraphs [0063] to [0071]*).

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to incorporate the PPPoE feature of Senapati in to the data transmission method of Yoshimoto in order to improve the data transmission process of DSL service (see Background of Senapati).

As per Claims 17 and 18, Yoshimoto teaches,

wherein the subscriber is connected to the communication network via the subscriber's connection (see *Fig. 1*) and authentication is verified by using the connection data and by using subscriber data which represents the subscriber (see *Fig. 2-5; where the terminal identifier information is used to authenticate process and connection requests from clients*);

and wherein the subscriber data includes a user name and a password (see steps S202, S302, S401 and S501 in *Fig. 2-5; where user identifier is acquired*).

As per Claim 20, 24 and 26, Yoshimoto teaches,

wherein the subscriber's connecting line is a wire connecting line through which the subscriber is physically connected to the communication network (see *network cable 101 in Fig. 1; where clients 103, 105 & 106 are connected to the verifying server 104 and server 102*);

and wherein the subscriber's connection and the transmitter are allocated to a switching device located in the communication network (see *Fig. 1 and 4-5; and for example, column 7, line 10 to column 8, line 21; where a relay server, i.e., switching device, process requests by intercepting*).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
(See PTO-892).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Tabor whose telephone number is (571) 270-3155. The examiner can normally be reached on Mon-Fri 7:30a.m. to 5:00p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER